

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SSO-00 COA-01 DLOS-03 SS-15 DOTE-00

EB-07 COME-00 CG-00 NSCE-00 INRE-00 USIE-00 CIAE-00

DODE-00 PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01

RSC-01 PRS-01 SP-02 /060 W

----- 045645

O 060042Z FEB 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 4332

INFO AMCONSUL GUAYAQUIL IMMEDIATE

C O N F I D E N T I A L QUITO 0891

E.O. 11652: GDS

TAGS: PFOR, EC

SUBJ: TUNA BOAT SEIZURES: AMBASSADOR'S CONVERSATION WITH FONMIN

SUBSECRETARY VALDEZ, FEBRUARY 5

REF: QUITO 0866

1. BEGIN SUMMARY. SUBSECRETARY VALDEZ SAID APPEAL PROCESS  
WAS PROCEEDING, THAT GOE RECOGNIZED NECESSITY OF DECIDING IT  
PROMPTLY, AND THAT QUESTION OF CONFISCATED CATCH NOT CAUGHT  
IN ECUADOREAN CLAIMED WATERS WAS NOT YET RESOLVED. WITH  
RESPECT TO THE FUTURE, VALDEZ WELCOMED ASSOCIATION IDEA AS  
SOLUTION TO FISHING PROBLEM AND BELIEVES IT OPPORTUNE TO  
PURSUE THAT IDEA AGAIN NOW. END SUMMARY.

2. I MET AT 4:00 P.M. FEBRUARY 5 WITH FONMIN SUBSECRETARY  
VALDEZ AT MY REQUEST. WE WERE TOGETHER FOR APPROXIMATELY 40  
MINUTES DISCUSSING VARIOUS ASPECTS OF THE TUNA BOAT SEIZURE  
PROBLEM. AS DEPARTMENT WILL RECALL, VALDEZ IS AMONG MOST  
KNOWLEDGEABLE ECUADOREAN OFFICIALS ON THIS SUBJECT, HAVING  
SERVED AS MINISTER AT THE ECUADOREAN EMBASSY IN WASHINGTON,  
AS SECRETARY GENERAL OF THE SOUTH PACIFIC COMMISSION, LEGAL  
ADVISOR OF THE MINISTRY, AND NOW AS SUBSECRETARY. WE HAVE  
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AN EASY AND FRANK RELATIONSHIP AND HAVE THUS FAR BEEN ABLE

TO DISCUSS ALL ISSUES IN AN INFORMAL AND DISPASSIONATE MANNER.

3. I TOLD VALDEZ THAT I WAS GOING TO SALINAS ON FEBRUARY 6 TO MEET WITH THE SHIP CAPTAINS. CONSUL GENERAL DEWITT AND NAVAL ATTACHE RALPH WOULD ACCOMPANY ME. THE PURPOSE OF OUR VISIT IS TO SEE FIRST HAND WHAT THE SITUATION IS AND TO DO WHAT I CAN TO AVOID ANY EXACERBATION OF THE PROBLEM FROM THE AMERICAN SIDE. VALDEZ SAID HE THOUGHT IT WAS A GOOD IDEA THAT I GO. WE AGREED THAT I WOULD BE IN TOUCH WITH HIM BY TELEPHONE UPON MY RETURN ON FRIDAY, FEBRUARY 7.

4. I ASKED VALDEZ HOW THE MATTER OF THE APPEALS WAS GOING. ACKNOWLEDGING THE IMPORTANCE OF PROCEEDING RAPIDLY AND STATING THAT THE GOE SHARED THIS OBJECTIVE, HE SAID THAT THE APPEAL COMMISSION HAD MET YESTERDAY AND WAS MEETING AGAIN TODAY AT 3:00 P.M. HE HAD SPOKEN WITH THE FOREIGN MINISTRY'S REPRESENTATIVE ON THE APPEAL COMMISSION, DR. HUMBERTO GARCIA, TODAY. THE QUESTION OF CONFISCATION OF THE CATCH PRESENTED A PROBLEM BECAUSE THE LAW DOES NOT APPEAR TO OFFER ANY LEEWAY FOR FISH CAUGHT OUTSIDE ECUADOREAN CLAIMED TERRITORIAL WATERS. THE COMMISSION WAS LOOKING INTO THIS MATTER CAREFULLY. I TOLD VALDEZ THAT ACTING DCM NEGROPONTE AND CONSUL GENERAL DEWITT WERE SEEING NATURAL RESOURCES UNDERSECRETARY RODRIGUEZ AT 6:30 TODAY, AND HE COMMENTED THAT POSSIBLY THERE MIGHT BE SOME NEWS BY THEN.

5. VALDEZ SAID THAT HE COULD SEE THAT THERE MIGHT WELL BE A PROBLEM ON THE FISH, ESPECIALLY IF WE WERE TO MAINTAIN THAT THEY WERE AMERICAN PROPERTY WHICH HAD BEEN CONFISCATED OR EXPROPRIATED. I INDICATED THAT THIS WAS INDEED OUR VIEW. I FURTHER ADDED THAT IN AT LEAST ONE CASE, THAT OF THE JACQUELINE A, FISH HAD BEEN CAUGHT LAST YEAR IN NON-ECUADOREAN CLAIMED WATERS, HAD BEEN SEALED ABOARD AND THIS FACT HAD BEEN CERTIFIED TO BY THE IATTC. THIS CAME AS NEWS TO VALDEZ. INSOFAR AS ESTABLISHING WHERE THE FISH HAD BEEN CAUGHT, VALDEZ SAID IT WAS DIFFICULT TO RELY ON THE LOGS OF THE VESSELS AND INDICATED SOME DOUBT AS TO THEIR RELIABILITY.

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6. TURNING THEN TO THE POSSIBILITY THAT THE CONFISCATED CATCH MIGHT BE OFFLOADED BY THE GOE, I INQUIRED WHETHER IT COULD ALL BE STORED. HE REPLIED THAT IT ALL COULD BE STORED IN SALINAS, BUT THAT IF THERE WERE OTHER BOATS CAPTURED, THE CATCH WOULD HAVE TO BE UNLOADED IN MANTA. I INDICATED APPREHENSION AT THE FUTURE POSSIBILITY OF DIRECTING CAPTURED AMERICAN SHIPS TO PROCEED FROM SALINAS

TO MANTA. PURSUING THE QUESTION OF CONFISCATED CATCH  
FURTHER, I ASKED VALDEZ WHETHER THERE MIGHT BE A POSSIBILITY  
OF THE BOATS GUYING BACK THE CONFISCATED CATCH. HE QUICKLY  
REPLIED IN THE AFFIRMATIVE. I SAID, "AT WHAT PRICE?"  
"AT THE MARKET PRICE", HE REPLIED. "THE MARKET HERE OR IN  
THE UNITED STATES?" "WHY, IN THE UNITED STATES, OF  
COURSE", HE ANSWERED.

7. I NEXT INQUIRED HOW HE SAW OUR TWO COUNTRIES  
RESOLVING THIS SITUATION. WHAT ABOUT THE ASSOCIATION IDEA  
WHICH HAD BEEN PROPOSED BY US? I SAID THAT, FRANKLY, MY  
DISCUSSIONS ON THAT WITH AMBASSADOR PONCE LAST YEAR HAD  
BEEN LESS THAN ENCOURAGING (SEE QUITO 2028, MARCH 26, 1974).  
NOR, FOR THAT MATTER, HAD THE IDEA BEEN RECEIVED WELL BY SAN  
DIEGO FISHERMEN. FINALLY, ECUADOREAN EXPERIENCE IN THE  
ILL-FATED ASSOCIATION CONTRACT WITH B&B FISHERIES HAD  
SEEMED TO HAVE COOLED THE INTEREST WHICH THE MINISTRY OF  
NATURAL RESOURCES AT ONE TIME HAD EVIDENCED. WHAT WAS THE GOE'S  
VIEW NOW?

8. VALDEZ SAID THAT THE QUESTION WAS ENTIRELY OPEN AND  
THAT NOW WOULD INDEED BE A GOOD TIME TO TRY TO PUSH THE  
ASSOCIATION IDEA AGAIN. HE FAVORED IT AND SAW IT AS A WAY OF RESOLV-  
ING THE PROBLEM. I ASKED HIM SPECIFICALLY ABOUT THE GOE  
PLANS TO DEVELOP ITS OWN FISHING INDUSTRY, ALLUDING TO  
THE TWO FISHING VESSELS WHICH WE UNDERSTAND THE GOE IS  
INTERESTED IN GUYING. VALDEZ SAID THAT THERE WAS INDEED  
A CONTINUING INTEREST IN AN ASSOCIATION AGREEMENT.

9. I THEN ASKED HIM WHAT COULD BE DONE ABOUT THE 600 NRT  
PROBLEM: COULD THE LIMIT PERHAPS BE CHANGED? VALDEZ SAID  
THAT THIS WAS FIXED, THAT THERE WERE CONSERVATION  
REASO  
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S FOR IT, ETC, ETC. I NOTED THAT THIS WAS  
ONLY A MINISTERIAL "ACUERDO", NOT A LAW, AND HENCE SHOULD  
BE SOMEWHAT EASIER TO AMEND. VALDEZ ACKNOWLEDGED MY  
POINT, BUT SAID THAT THE 600 NRT LIMIT WAS FIRM. HOWEVER, IN THE  
CASE OF ASSOCIATION AGREEMENTS, SINCE AMERICAN VESSELS  
OPERATING UNDER ASSOCIATION AGREEMENTS WOULD BE IN EFFECT  
ECUADOREAN FLAG VESSELS FOR THE PURPOSES OF THE GOE  
FISHING LAW, THE 600 NRT LIMIT WOULD NOT APPLY AND THERE  
WOULD BE NO RPOBLEM WITH SHIPS OF WHATEVER TONNAGE.  
BREWSTER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TUNA, SHIP DETENTION, FISH, CONFISCATION, LITIGATION, FISHING BOATS, DIPLOMATIC DISCUSSIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975QUITO00891  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750043-0160  
**From:** QUITO  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 QUITO 0866  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 SEP 2003 by ElyME>; APPROVED <11 SEP 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TUNA BOAT SEIZURES: AMBASSADOR'S CONVERSATION WITH FONMIN SUBSECRETARY VALDEZ, FEBRUARY 5  
**TAGS:** PFOR, EFIS, EC, US, (VALDEZ), (BREWSTER, ROBERT C)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006